



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Energy Systems Maintenance, Inc.

File: B-227357

Date: August 14, 1987

DIGEST

Protest against solicitation requirement that supervising field service engineer be accredited as a certified electrical test technician is denied where the protester has not demonstrated that the requirement exceeds the procuring agency's minimum needs or is clearly unreasonable.

DECISION

Energy Systems Maintenance, Inc. (ESM), protests any award under invitation for bids (IFB) No. 521-051-87, a total small business set-aside issued by the Veterans Administration Medical Center (VA), Birmingham, Alabama, for electrical systems testing. ESM contends that the specifications are unduly restrictive.

We deny the protest.

The IFB was issued on May 15, 1987, with a June 18 bid opening date. The solicitation included a requirement for a supervising field service engineer (SFSE) who "must be accredited as a certified electrical test technician by the National Institute for Certification of Engineering Technologists (NICET) or the National Electrical Testing Association (NETA) and have a minimum of 5 years of experience on similar major testing projects." On May 27, ESM protested to the VA, raising several questions about the specifications. Among ESM's questions were, "what is a field service engineer," "why must the 'field service engineer' . . . be certified as a test technician," and "under what regulation can you require certification by other organizations than the United States government?"

In response, the VA issued an amendment to the IFB which addressed the various questions raised by ESM and postponed bid opening to July 9. Among other things, the amendment stated that:

"a field service engineer is . . . someone who has successfully demonstrated their knowledge and

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experience in the field of electrical power distribution systems testing and shall be capable of: (1) testing, assessing, evaluating, servicing, and reconditioning components, (2) assuring that the equipment on which work has been performed is safe, reliable, and acceptable for its intended purpose, and (3) identifying defective equipment and potential safety problems, environmental hazards or code violations. The [SFSE] must be accredited as a certified electrical test technician and have a minimum of 5 years of experience on similar major testing projects."

This deleted the requirement that the SFSE be certified by NICET or NETA. The amendment went on to state that "certification from other organizations will be acceptable."

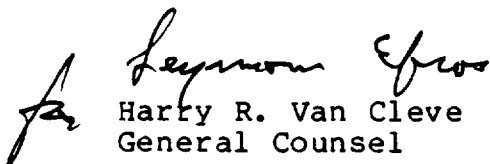
In preparing a solicitation for supplies or services, the contracting agency must specify its needs and solicit bids in a manner designed to achieve full and open competition, so that all responsible sources are permitted to compete. 10 U.S.C. § 2305(a)(1)(A)(i) (Supp. III 1985). However, the determination of the government's minimum needs, the best method of accommodating them, and the technical judgments upon which those determinations are based are primarily the responsibility of the contracting agency, since it is most familiar with the conditions under which supplies or services have been used in the past and will be used in the future. Therefore, we will not question an agency's determination of its minimum needs unless there is a clear showing that the determination has no reasonable basis. See Snow White Cleaners and Linen Supply, Inc., B-225636, Mar. 26, 1987, 87-1 C.P.D. ¶ 347.

In our opinion, the VA adequately addressed ESM's objections in the amendment. The gist of ESM's protest of the specifications concerns the fact that the SFSE was required to be certified by either NICET or NETA. The VA eliminated this restriction and required only that the SFSE be accredited as a "certified electrical test technician." We generally do not object to a requirement that an item conform to a set of standards adopted by a nationally recognized organization in the field or a requirement for independent laboratory certification that certain standards are met. Advance Machine Co., B-219766, Nov. 5, 1985, 85-2 C.P.D. ¶ 526. Rather, we have held that requirements for approval by specific organizations without recognition of equivalent approvals are unduly restrictive. See Evans Inc., B-216260.2, May 13, 1985, 85-1 C.P.D. ¶ 535; Precision Piping Inc; M & S Mechanical Corp., B-204024, et al., Mar. 9, 1982, 82-1 C.P.D. ¶ 215. Since the VA removed the requirement for certification by particular organizations,

we see no basis for objecting to the VA's amended statement of its needs. The VA is concerned about assuring the competency of the SFSE, and ESM has not shown that the revised general certification requirement does not reasonably accomplish this objective.

ESM's mere disagreement with the VA's position does not establish that the requirement is unreasonable. See Libby Corp., et al., B-220392, et al., Mar. 7, 1986, 86-1 C.P.D. ¶ 227. In commenting on the agency report, ESM's only specific objection concerns the VA's requirement for certification by any organization other than the United States government. We are not aware of any prohibition on an agency's use of non-government certification, and the Federal Acquisition Regulation, 48 C.F.R. § 10.001 (1986), recognizes that in drafting specifications a procuring agency may use voluntary standards, established by private sector entities, which are available for public use.

The protest is denied.


Harry R. Van Cleve
General Counsel